IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 23527 of 2004

Between:

M/s. Sampurna Graphics Pvt Ltd., Labbipeta, Vijayawada,
rep. by its Managing Director Mr. P. Kishore Babu.

..... PETITIONER

AND

1 Additional Commissioner (CT) Legal, O/o. Commissioner of Commercial Taxes, Nampally, Hyderabad.
2 The Deputy Commissioner (CT) No. II. Division, Vijayawada.
3 Commiercial Tax Officer, Benz Circle, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate Writ or order or direction declaring the action of the 1st respondent in rejecting to grant stay without considering the material placed before him and providing any opportunity to the petitioner for producing further evidence required if any, is arbitrary , unjustified and to grant stay of collection of disputed tax of Rs. 3,40,092-00 for the assessment year 2000-2001 pending disposal of the appeal by the Honourable Sales Tax Appellate Tribunal, by setting side the order of the 1st respondent dt. 11.10.2004 and to pass such other order or orders as the Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.GIRISH KUMAR

Counsel for the RespondentS: GP FOR COMMERCIAL TAX

The Court made the following :

O R D E R: (PER MHSA.J)

Having heard the learned counsel for respective parties, instant writ petition is disposed of with a direction upon the petitioner to deposit 50% of the disputed tax within four weeks from date and upon compliance there with, the appeal pending before the Sales Tax Appellate Tribunal for the assessment year 2000-2001 shall be heard on merits and disposed of in accordance with law. No costs.

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MH.S.ANSARI.J.,

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T.CH.SURYA RAO.J.,

Dt.17.12.2004

Issue copy by 20.12.2004

B/o

tjs

ASSISTANT REGISTRAR

To

1 Additional Commissioner (CT) Legal, O/o. Commissioner of Commercial Taxes, Nampally, Hyderabad.
2 The Deputy Commissioner (CT) No. II. Division, Vijayawada.
3 Commiercial Tax Officer, Benz Circle, Vijayawada.

4 2CCs to the G.P. for Commercial Tax, High Court of A.P., Hyderabad.

5. 2CD copies